

1 BROOKE OLIVER, ESQ. (SBN 172828)  
2 [brooke@50balmy.com](mailto:brooke@50balmy.com)  
3 50 Balmy Law P.C.  
4 50 Balmy Alley  
5 San Francisco, CA 94110  
6 Phone: 415-641-1116  
7 Fax: 415-695-1116

8 Attorneys for Plaintiff DANIEL FONTES

9 AARON H. JACOBY, ESQ. (SBN 137244)  
10 [aaron.jacoby@arentfox.com](mailto:aaron.jacoby@arentfox.com)  
11 VICTOR P. DANHI, ESQ. (SBN 210246)  
12 [victor.danhi@arentfox.com](mailto:victor.danhi@arentfox.com)

13 ARENT FOX LLP  
14 55 Second Street, 21<sup>st</sup> Floor  
15 San Francisco, CA 94105  
16 Phone: 415-757-5500  
17 Fax: 415-757-5501

18 Attorneys for Defendants AUTOCOM NETWORKS,  
19 INC., AUTOCOM POWER, LLC, JOSE PEREZ, and  
20 NISSAN NORTH AMERICA, INC.

21 [See next page for additional attorneys]

22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA

24 DANIEL FONTES, an individual

25 Plaintiff,

26 vs.

27 AUTOCOM NETWORKS, INC., a California  
28 corporation; AUTOCOM POWER, LLC, a  
California limited liability company d/b/a  
AUTOCOM NISSAN OF OAKLAND; M&M  
AUTOMOTIVE GROUP, INC., a California  
corporation d/b/a Volkswagen of Oakland;  
MICHAEL P. MURPHY, an individual  
formerly d/b/a NISSAN OF OAKLAND;  
NISSAN NORTH AMERICA, INC., a  
California corporation; JOSE PEREZ, an  
individual a/k/a JOSE CARMEN PEREZ  
GARCIA; TDK TRUST DATED JANUARY  
23, 1995, and DOES 1 through 10, inclusive,

Defendants.

Case No. C 15-2044 CRB

*Assigned for all Purposes to the Honorable  
Charles R. Breyer, Courtroom 6*

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL OF THE  
ENTIRE ACTION WITH PREJUDICE**

Additional attorneys:

WILLIAM J. MURRAY, ESQ. (SBN 87936)  
Belzer & Murray LLP  
3650 Mt. Diablo Blvd., Suite 130  
Lafayette, CA 94549  
[Murray@wjmatorneys.com](mailto:Murray@wjmatorneys.com)  
Phone: (925) 284-9000  
Fax: (925) 283-5192

Attorneys for Defendants MICHAEL P. MURPHY  
and M&M AUTOMOTIVE

DOUGLAS A. MARSHALL, ESQ. (SBN 91277)  
Kay & Merkle, LLP  
100 The Embarcadero, Penthouse  
San Francisco, CA 94105  
[dmarshall@kmlaw100.com](mailto:dmarshall@kmlaw100.com)  
Phone: 415-357-1200  
Fax: 415-512-9277

Attorneys for Defendant TDK TRUST

**STIPULATION**

Plaintiff DANIEL FONTES, an individual, by and through his attorneys of record, hereby  
files this Stipulation for Dismissal with prejudice and stipulates as follows:

1. The parties have entered into a confidential Settlement Agreement in this matter  
whereby they have resolved all claims in this action and have agreed to the dismissal of the entire  
above-captioned action with prejudice. Each party has agreed to bear and waive their own  
attorneys' fees and costs.

2. Accordingly, the parties jointly request the Court to dismiss this action in its  
entirety with prejudice.

Dated: December 10, 2015

50 BALMY LAW, P.C.

By: /s/ Brooke Oliver  
Brooke Oliver  
Attorneys for Plaintiff DANIEL FONTES

1 Dated: December 10, 2015

ARENT FOX LLP

2 By: /s/ Victor P. Danhi

3 Victor P. Danhi

4 Attorneys for Defendants AUTOCOM  
5 NETWORKS, INC., AUTOCOM POWER, LLC,  
6 JOSE PEREZ, and NISSAN NORTH AMERICA,  
7 INC.

8 Dated: December 10, 2015

BELZER & MURRAY LLP

9 By: /s/ William J. Murray

10 William J. Murray

11 Attorneys for Defendants MICHAEL P. MURPHY  
12 and M&M AUTOMOTIVE GROUP, INC.

13 Dated: December 10, 2015

KAY & MERKLE, LLP

14 By: /s/ Douglas A. Marshall

15 Douglas A. Marshall

16 Attorneys for Defendant TDK TRUST

17 **~~PROPOSED~~ ORDER**

18 Having considered the parties' Stipulation for Dismissal with Prejudice and for good  
19 cause appearing, it is HEREBY ORDERED: The above-entitled action is dismissed in its entirety  
20 with prejudice, with each party to bear and waive their own attorneys' fees and costs.

21 **IT IS SO ORDERED.**

22 Dated: December 15<sup>th</sup>, 2015

23 

24 THE HONORABLE CHARLES R. BREYER  
25 United States District Judge  
26  
27  
28